

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREG H. WILLIAMS,)	No. C 10-3834 JSW (PR)
)	
Petitioner,)	
)	ORDER DISMISSING PETITION
v.)	
)	(Docket No. 4, 5)
SUPREME COURT OF)	
CALIFORNIA, et al,)	
)	
Respondents.)	

BACKGROUND

Petitioner, a prisoner of the State of California, has filed a petition for a writ of mandamus, challenging the failure of Chief Justice Ronald George of the Supreme Court of California to grant his habeas petition. Petitioner argues that this Court should issue a writ of mandate ordering that his petition be granted. Petitioner's motion to amend the petition is GRANTED (docket no. 5). Petitioner's motion to proceed *in forma pauperis* is now DENIED as moot (docket no. 4), as the petition is DISMISSED for the reasons set forth below.

ANALYSIS

I Standard of Review

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity.

1 28 U.S.C. § 1915A(a). The Court must identify cognizable claims or dismiss the
2 complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or
3 fails to state a claim upon which relief may be granted," or "seeks monetary relief from a
4 defendant who is immune from such relief." *Id.* § 1915A(b). Pro se pleadings must be
5 liberally construed, however. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th
6 Cir. 1990).

7 II Legal Claims

8 Plaintiff seeks a writ of mandamus directed to the actions of the California
9 Supreme Court. However, this Court has no authority to take the actions requested by
10 Plaintiff by way of a writ of mandamus.

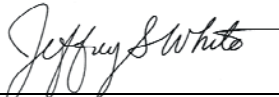
11 Federal district courts are without power to issue mandamus to direct state courts,
12 state judicial officers, or other state officials in the performance of their duties. A
13 petition for a writ of mandamus to compel a state court or official to take or refrain from
14 some action is frivolous as a matter of law. *See Demos v. U.S. District Court*, 925 F.2d
15 1160, 1161-62 (9th Cir. 1991) (imposing no filing in forma pauperis order); *Clark v.*
16 *Washington*, 366 F.2d 678, 681 (9th Cir. 1966) (attorney contested disbarment and
17 sought reinstatement); *Dunlap v. Corbin*, 532 F. Supp. 183, 187 (D. Ariz. 1981) (plaintiff
18 sought order from federal court directing state court to provide speedy trial), *aff'd without*
19 *opinion*, 673 F.2d 1337 (9th Cir. 1982); *Newton v. Poindexter*, 578 F. Supp. 277, 279
20 (C.D. Cal. 1984) (§ 1361 has no application to state officers or employees); *see also, In*
21 *re Campbell*, 264 F.3d 730, 731-32 (7th Cir. 2001) (denying petition for writ of
22 mandamus that would order state trial court to give petitioner access to certain trial
23 transcripts which he sought in preparation for filing state post-conviction petition; federal
24 court may not, as a general rule, issue mandamus to a state judicial officer to control or
25 interfere with state court litigation). Plaintiff's mandamus remedy, if any, lies in state
26 court.

27 CONCLUSION

1 For the foregoing reasons, Plaintiff's action is DISMISSED for failure to state a
2 claim upon which relief may be granted. 28 U.S.C. § 1915A. The Clerk of Court shall
3 terminate all pending motions as decided by this order, enter judgment and close the file.

4 IT IS SO ORDERED.

5 DATED: October 14, 2010

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8 JEFFREY S. WHITE
9 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE

NORTHERN DISTRICT OF CALIFORNIA

GREG H. WILLIAMS,
Plaintiff,

Case Number: CV10-03834 JSW

CERTIFICATE OF SERVICE

v.

CALIFORNIA SUPREME CT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 14, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Greg H. Williams V 59286
Pelican Bay State Prison
Housing: B-4-202
P.O. Box 7500
Crescent City, CA 95531

Dated: October 14, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk